

MONTGOMERY MCCrackEN WALKER & RhODS LLP

(A Limited Liability Partnership Formed in Pennsylvania)

By: John J. Levy, Esquire

LibertyView, Suite 600

457 Haddonfield Road

Cherry Hill, NJ 08002

(856) 488-7739

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN THE MATTER OF THE COMPLAINT
OF GRIMALDI DEEP SEA S.P.A., AS
OWNER/OPERATOR OF M/V *GRANDE*
COSTA D'AVORIO, FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY,

Civil Action No. 2:23-cv-20340-JXN-JBC

Plaintiff.

**PLAINTIFF'S NOTICE OF MOTION PURSUANT TO
FED. R. CIV. P. 26 (d)(1) FOR AN ORDER
ALLOWING LIMITED DISCOVERY PRIOR TO THE RULE 26(f) CONFERENCE**

PLEASE TAKE NOTICE that on January 2, 2024, or a date to be set by the Court, the Plaintiff Grimaldi Deep Sea S.p.A, as the registered owner of M/V *Grande Costa D'Avorio*, by and through its undersigned attorneys, respectfully moves before the Honorable James B. Clark, III, United States Magistrate Judge for the District of New Jersey, pursuant to Fed. R. Civ. P. 27(d)(1) for an Order to allow limited discovery prior to the Rule 26(f) conference, specifically, to issue subpoenas *duces tecum* under Rule 45 (c)(2)(A) to four entities: 1) American Maritime Enterprises, Inc.; 2) Ports America; 3) The Port Authority of New York and New Jersey; and, 4)

the City of Newark, New Jersey, to produce the documents that Grimaldi requested from them in the related proceeding, captioned: *In the Matter of the Verified Petition of American Maritime Services of New York to Preserve Evidence in Aid of Anticipated Litigation Pursuant to Rule 27 Fed. R. Civ. P.*, Civil Action No. 2:23-cv-04109-EP-JRA. In support of this Motion, Plaintiff will rely upon the Affidavit of John J. Levy, Esquire, and Letter Brief in Lieu of Formal Brief in Support.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

MONTGOMERY, McCracken,
WALKER & RHOADS, LLP
Attorneys for Plaintiff

Dated: November 30, 2023

By: s/John J. Levy
John J. Levy
jlevy@mmwr.com

CERTIFICATE OF SERVICE

I, John J. Levy, hereby certify that on the date listed below, the foregoing Plaintiff's Notice of Motion Pursuant to Fed. R. Civ. P. 26(d)(1) for an Order to Allow Limited Discovery, letter brief in support, Affidavit of John J. Levy, Esquire in support, and proposed form of Order, have been served via the Court's CM/ECF system to all counsel of record. In addition, the following attorneys were served with a copy of this motion by email:

<p>John F. Karpousis, Esq. J. Tanner Honea, Esq. Matthew J. Pallay, Esq. FREEHILL, HOGAN & MAHAR LLP 103 Eisenhower Parkway, Suite 400 Roseland, NJ 07068 P: 973-623-5514</p> <p>karpousis@freehill.com honea@freehill.com pallay@freehill.com</p> <p>Attorneys for Petitioner American Maritime Services of New York</p>	<p>Gino A. Zonghetti, Esq. Robert A. Suarez, Esq. KAUFMAN, DOLOWICH & VOLUCK, LLP 25 Main Street, Suite 500 Hackensack, NJ 07601 P: 201-488-6655</p> <p>gzonghetti@kdvlaw.com Robert.Suarez@kdvlaw.com</p> <p>Attorneys for Interested Party Ports America, Inc.</p>
<p>Thomas L. Tisdale, Esq. Timothy J. Nast, Esq. TISDALE & NAST LAW OFFICES, LLC 405 Lexington Avenue 26th Floor New York, NY 10174 P: 212-354-0025</p> <p>ttisdale@tisdale-law.com tnast@tisdale-law.com</p> <p>Attorneys for Interested Parties Alessandro Moretti and Benito LaFauci</p>	<p>Paul Myung Han Kim, Esq. John J. Reilly, Esq., <i>admitted pro hac vice</i> SQUIRE PATTON BOGGS (US) LLP 1211 Avenue of the Americas 26th Floor New York, NY 10036 P: 212-872-9800</p> <p>paul.kim@squirepb.com john.reilly@squirepb.com</p> <p>Attorneys for Interested Party The Port Authority of New York and New Jersey</p>

<p>Gary S. Lipshutz, Esq. First Assistant Corporation Counsel KENYATTA STEWART, CORPORATION COUNSEL City of Newark – Department of Law 920 Broad Street, Room 316 Newark, NJ 07102 P: 973-733-5394</p> <p>lipshutzg@ci.newark.nj.us</p> <p>Attorney for Interested Party City of Newark</p>	<p>Mark A. Apostolos, Esq. SULLIVAN PAPAIN BLOCK MCGRATH COFFINAS & CANNAVO Court Plaza North 25 Main Street – Suite 602 Hackensack, NJ 07601 P: 201-342-0037</p> <p>MApostolos@triallaw1.com</p> <p>Attorneys for Interested Parties Michele Brooks, proposed administrator of the Estate of Wayne Brooks, Jr., Deceased and Maria Acabou as proposed executrix of the Estate of Augusto Acabou, Deceased</p>
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Dated: November 30, 2023

s/John J. Levy

John J. Levy